



486292

 KEVIN TURNER

06/15/01 10:03 AM

To: Thomas Turner/R5/USEPA/US@EPA

cc: Michael Harris/R5/USEPA/US@EPA, WILLIAM

RYCZEK/R5/USEPA/US@EPA

Subject: Re: Protocol involving Site Access/Site Assessments and Swift Ag Chem

Tom..... my mistake.....I just checked with START and was informed that the PRP contractor **was** on site and **did** split samples with us. I am sorry if I caused you any loss of sleep over this. Mike was the OSC at that one, I was doing other things and was not on site. Sorry again!!!

From: Thomas Turner on 06/15/2001 08:59 AM

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To: Michael Harris, KEVIN TURNER cc: WILLIAM RYCZEK

Subject: Protocol involving Site Access/Site Assessments and Swift Ag Chem

Hi Mike and Kevin: As you should both be aware (in the access information that I sent to Mike in April by inter-office mail/and as faxed to Kevin on 6-14), we got access to Swift Ag Chem. Superfund Site in Fairmont City, IL, with a specific written request from the PRP-owner that they be: 1) Informed when the Site Assessment was to begin; and, 2) Allowed to take split samples of all field work that we collected. These are both legally defensible and reasonable requests. These requests were apparently not followed. Assuming that we all want a Superfund clean up to proceed smoothly, we are going to have to re-establish a level of trust with the PRP-owner. This will require that you immediately do one of two things: 1) If possible, contact the START contractor and have them tell the laboratory that we used for our Site Assessment sampling and analysis at Swift Ag Chem to hold all samples taken and prepare them for possible delivery to whatever lab the PRP-owner may choose to use. If this can be done, then contact the field representative for the Swift Ag Chem PRP-owner (or let me know if you have trouble doing this, and I will call their lawyer) and offer the split samples to them for testing; 2) If it is too late to get at the actual samples, then have the START contractor secure the original raw data from the first laboratory analysis of the Site Assessment sampling. Then, we will offer this information to the PRP-owner along with our apology at having been unable to comply with their prior request. Either way, this is not going to be easy to fix, but we have to try because we are the federal government and this was our error, and it will make negotiating and overseeing a clean up a lot easier in the long run.

This is my legal recommendation at this point. I have discussed this with Bill Ryczek and I believe that he is in general agreement with my rationale. Please feel free to contact me with your comments and suggestions at 312/886-6613. Thanks. TomTurner, ORC.

Thomas Turner

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TURNER/R5/USEPA/US@EPA
cc: WILLIAM RYCZEK/R5/USEPA/US@EPA
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